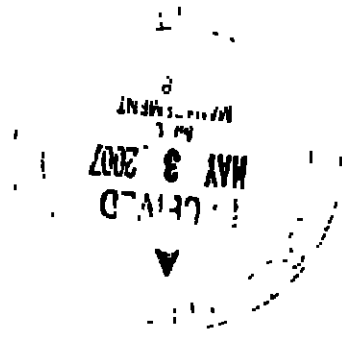




Mack H. Shumate, Jr.  
Senior General Counsel, Legal Department

219229

May 2, 2007



**VIA FACSIMILE #202/565-9004 and U.P.S. OVERNIGHT**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**RE: Proposed Abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas; STB Docket No. AB-33 (Sub-No. 229X)**

Dear Mr. Williams:

The Union Pacific Railroad Company, (Union Pacific), has received a request from the City of Waxahachie, Texas, for an additional 90 day extension of its Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Waxahachie Industrial Lead from M.P. 798.03 near Waxahachie to M.P. 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas.

The Union Pacific is willing to continue negotiating with the City of Waxahachie concerning the acquisition of the subject property for trail use and supports the City of Waxahachie's request to negotiate for an additional 90 day period commencing April 28, 2007. Union Pacific and the City are very close to finalizing the transaction. A copy of the City of Waxahachie's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

ENTERED  
Office of Proceedings

MAY 03 2007

Very truly yours,

Mack H. Shumate, Jr.

Enclosures

Part of  
Public Record

cc City of Waxahachie

Toleda Stokes (STB)  
<202/245-0458>

O:\ABANDONMENTS\33-229X\STB-NITU6.doc

BEFORE THE  
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY §  
ABANDONMENT EXEMPTION §  
IN ELLIS COUNTY, TEXAS §  
(WAXAHACHIE INDUSTRIAL LEAD) §

DOCKET NO. AB-331  
(SUB-NO. 229X)

2006 8 15 AM

07/11/07

PETITION FOR EXTENSION FOR  
NOTICE OF INTERIM TRAIL USE

BACKGROUND

On February 1, 2006 the Surface Transportation Board ("Board") issued a Decision and Notice of Interim Trail Use or Abandonment the City of Waxahachie, Texas ("City") and Union Pacific Railroad Company ("UP") for the City and UP to be able to negotiate an agreement for interim trail use/railbanking for the Waxahachie Industrial Lead by July 31, 2006.

On July 28, 2006, the Board issued a Decision extending the NITU negotiating period to October 29, 2006. On October 27, 2006, the Board issued a Decision extending the NITU negotiating period to December 28, 2006. On December 19, 2006, the Board issued a Decision extending the NITU negotiating period to February 26, 2007. On February 26, the Board issued a Decision extending the NITU negotiating period to April 27, 2007.

The parties have negotiated in good faith and have reached an agreement. It is anticipated that additional time will be needed to complete the appraisal as UP has discovered a conflict of interest and has had to switch to a new appraisal firm, and complete the transaction. An additional ninety (90) days is requested



**CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, it is requested that the Board should issue a ninety (90) day extension for Notice of Trail Interim Use authorizing the City and UP to negotiate for rail banking, interim recreational trail use and potential acquisition in fee of the right-of-way involved in this proceeding.

CITY OF WAXAHACHIE, TEXAS  
401 S. Rogers  
Waxahachie, Texas 75165

**Proposed Trail User**

CHAPMAN & CHAPMAN LLP  
P.O. Box 641  
Waxahachie, Texas 75168  
(972) 938-2720  
(972) 937-9446 (fax)



---

JAMES S. CHAPMAN

**Attorney for Proposed Trail User**